REMARKS

Claims 2 and 16-24 are currently pending in the application. By this amendment, claims 2 and 17 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

In the specification, the paragraph beginning at page 33, line 9 has been amended to correct an element designation to conform to the information described in Figs. 13 and 14 regarding the transmission of program condition data . No new matter has been added.

The Examiner has rejected claims 2 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,699,107 to Young in view of U.S. Patent No. 5,872,588 to Aras and U.S. Patent No. 6,772,433 to LaJoie.

It is noted that no action has been taken on claims 17-24, which were entered in the case by the amendment submitted on May 23, 2008. However, these claims depend from claim 2, and therefore are in allowable condition in view of the above amendments and following remarks which overcome objections of record with regard to claim 2.

The invention involves display of a program situation guide enabling a user to readily confirm program condition and perform various operations. In the preferred embodiment there are five conditions for a program shown in the display: 1) broadcast is in process; 2) recording is in process; 3) recording is scheduled; 4) recording is not scheduled; and 5) program has been recorded. These five conditions are shown in Figure 5, and the program guide display is modified to indicate which of these conditions is applicable to each program, as shown in Figure 4. Further, a process is associated with each of these conditions. These processes are described in Figures 6-11. Each of these processes prompts the user (i.e. "Issue

Inquiry to User") in accordance with the options available for the applicable program condition.

The practical consequence of the invention is that the user is readily able to grasp the condition of programs, and can use the program guide to select a program and perform available program process options (page 4, lines 21-24).

In several embodiments, including the embodiment of claim 2, the invention is comprised of a server which prepares the program guide and a user terminal. The server and the terminal communicate across a network. In the embodiment of claim 2 the server prepares the program guide from data regarding the programs received over the network, including program condition data received from the terminal. In one embodiment described in the specification there is a "privacy level" that is set to allow sending of program condition data (privacy level 1) or to inhibit sending of such data while operation instruction is being prepared, either by the program guide server (privacy level 2) or by the program operation terminal apparatus (privacy level 3). This is described at page 63, lines 15-25. This embodiment has been included in claim 2 by amendment.

With regard to the privacy level limitations, it will be observed that the claims expressly claim a first privacy level that permits transmission of program condition data and a second privacy level that inhibits transmission of program condition data. This specific functionality is not disclosed in either the Young or Aras references cited by the Examiner. Indeed, the Aras disclosure concerns "privacy" in the sense of disclosure of user viewing habits, which has nothing to do with controlling the transmission of program condition data. It will be observed that controlling the transmission of program condition data is dependent upon whether operation instruction data is being prepared, which has nothing to do with "privacy" as that term is commonly used. There may be a translation issue from the original Japanese. Therefore the above amendment clarifies this potential linguistic confusion by

replacing "privacy level data" with a more descriptive terminology "program condition data control signal".

The Young reference discloses a user interface for a television schedule system. Young discloses a variety of displays, but none comparable to Figure 4 of the present invention, where the current condition of the program is indicated in the modified program guide. The Examiner argues that the "condition" element is shown by Fig. 9 and ¶71, but Fig. 9 only shows a channel grazing overlay with certain status information such as program title, the name of the TV service, the cable channel number and the current date. These characteristics shown in Young do not tell the user which of the conditions to which the program belongs, in terms of its broadcast status and recording status in relation to the present time. More importantly, neither Young nor LaJoie disclose a program guide display where user selection of a displayed program triggers a process which prompts the user in accordance with options available for the applicable program condition. (It will be recalled that even the Arsenault reference, cited in an earlier office action with regard to a display showing a recording condition, failed to disclose performance of a process tied to the condition, based on user selection of the displayed program.)

The specification clearly and repeatedly emphasizes this functionality, namely, the user is readily able to grasp the condition of programs, and can use the program guide to select a program based on that condition and perform available program process options (page 4, lines 21-24; page 5, lines 21-26; page 6, lines 14-17; page 8, lines 4-7; Figs. 5-11). The user is presented with a display that clearly identifies what the condition of the program is (i.e. whether it is being broadcast, whether it is being recorded, whether recording is scheduled, or not scheduled, or whether it has been recorded). As those skilled in the art will observe, these are all the possibilities with regard to broadcasting and recording status, with reference to a present time, with regard to the possibility of recording. With regard to options, all the user does is select a program (which invokes Fig. 5, which calls the appropriate

process) and the user will then be prompted through the available options (e.g. as shown in Figs. 6-11).

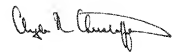
Consequently, the claims have been amended to more clearly state the foregoing distinguishing aspects of the invention.

In view of the foregoing, it is requested that the application be reconsidered, that claims 2 and 16-24 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Clyde R Christofferson
Reg. No. 34,138

Whitham, Curtis, Christofferson & Cook, P.C. **Customer No. 30743**
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
703-787-9400
703-787-7557 (fax)